

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JUL 23 2014

JAMES W. McDERMACK, CLERK
By: [Signature] **DEP. CLERK**

CORINA MENDOZA

PLAINTIFF

vs.

No. 4:14-cv-426 JM

**WIS INTERNATIONAL, INC., and
ANTHONY ADAMS**

DEFENDANTS

COMPLAINT

Comes now the Plaintiff, Corina Mendoza, by and through her attorneys, The Brad Hendricks Law Firm, and for her Complaint against the defendants, states:

This case assigned to District Judge Maody Kearney
and is assigned to Judge

PARTIES

1. Corina Mendoza was at all times relevant hereto a resident of Pulaski County, Arkansas.

2. Defendant, WIS International, Inc., ("WIS"), is a Delaware Corporation with its headquarters and principal place of business in San Diego, California. Defendant Anthony Adams is and was at all times relevant hereto a resident of the State of Alabama and was at all times herein an employee of WIS acting in the course and scope of his employment.

3. The subject matter of this action concerns tortious injury occurring in Little Rock, Pulaski County, Arkansas.

JURISDICTION AND VENUE

4. Based upon the allegations in Paragraphs 1 through 3 of this Complaint, complete diversity of citizenship exists between Plaintiff and all of the Defendants. The unliquidated damages sought by Plaintiff in this case exceed \$75,000.00. Therefore, jurisdiction is proper in this Court

pursuant to 28 U.S.C. § 1332(a). Further, this Court retains supplemental jurisdiction over any other incidental and supplemental claims pursuant to 28 U.S.C. § 1367. Based on the accident occurring in Pulaski County, Arkansas, venue is also proper in this Court pursuant to 28 U.S.C. § 1391(b)(2).

FACTS AND CAUSES OF ACTION

5. On August 1, 2011, Corina Mendoza was a passenger in a vehicle operated by separate Defendant Anthony Adams traveling westbound on Interstate 630 in Little Rock, Arkansas. Mr. Adams fell asleep at the wheel losing control of the vehicle, causing it to travel off the right side of the road where it struck a parked excavator, causing significant and permanent personal injury to the Ms. Mendoza. At all times, Mr. Adams was acting in the course and scope of his employment with WIS.

6. Defendant, Anthony Adams, acting at all times in the course and scope of his employment with WIS, in causing the above-described collision, was negligent including, but not limited to, the following respects:

- (a) failing to maintain control;
- (b) failing to keep a proper lookout; and,
- (c) otherwise failing to exercise reasonable care and to obey the rules of the road applicable to operators of motor vehicles.

DAMAGES

7. As a proximate result of the negligence of Anthony Adams, Corina Mendoza has sustained the following injuries and damages:

- (a) permanent physical and psychological injury;
- (b) pain, suffering and mental anguish experienced in the past and reasonably certain to be experienced in the future;

- (c) medical expenses incurred in the past and reasonably certain to be incurred in the future, including the expense of caretakers;
- (d) lost wages, including the loss of ability to earn in the future; and
- (e) scarring and disfigurement.


8. Corina Mendoza demands a trial by jury and that she be awarded a sum in excess of the minimum amount for federal diversity jurisdiction (\$75,000).

WHEREFORE, Corina Mendoza prays upon trial of this matter that she be awarded judgment against the defendants in an amount which will reasonably and sufficiently compensate her for all injuries and damages sustained as a result of the collision in an amount in excess of the minimum amount for federal diversity jurisdiction; furthermore, she demands a trial by jury, together with all other relief to which she may be entitled under Arkansas Law.

Respectfully submitted,

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